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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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PEOPLE’S INSURANCE CO. OF CHINA

Plaintiff,

- against -

DYNAMIC NETWORK CONTAINER LINE
LTD.; FORTUNE PACE INC.;
MEDITERRANEAN SHIPPING CO. S.A.;
UNITED LOGISTIC INC.; UNITED WAY
INTERNATIONAL, INC.; M/V “DELAWARE
BRIDGE”, M/V MSC REGINA; their engines
tackles, boilers, etc. *in rem*;

Defendants.

ECF CASE

06 Civ. 2127 (PAC)

COMPLAINT

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Plaintiff, through its undersigned attorney, alleges as follows for its complaint
against defendants upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h)
with respect to the carriage of the subject cargo by sea and falls within the Court’s
pendent, federal question, ancillary, and supplemental jurisdiction as to the remaining
aspects of the claim. Plaintiff seeks recovery for cargo loss and damage caused by
defendants’ breaches of contract and torts.

2. Plaintiff People’s Insurance Co. of China is a corporation organized under
the laws of a foreign sovereign and sues herein as the subrogated insurer of the cargo in

suit, having paid the insurance claim of China South Group, Inc., and on behalf of the shipper, consignee and owner of the cargo, and the holder of the subject bills of lading, as their interests may appear.

3. The defendants are believed to be corporations organized under the laws of certain of the fifty states or foreign sovereigns.

4. This Court has jurisdiction over the *in personam* defendants, who conduct business in the State of New York and the United States as a whole within the meaning of pursuant to Rule 4(k)(2) Federal Rules of Civil Procedure.

5. Upon information and belief the captioned vessel is now, or will be during the pendency of this action, within the admiralty and maritime jurisdiction of this Honorable Court or is otherwise subject to jurisdiction pursuant to Rule 4(k) (2) Federal Rules of Civil Procedure.

6. This action involves loss and damage to part of a shipment of 172 cartons of aquariums and accessories which moved or was intended to move in container CRXU9811373 aboard the M/V "DELAWARE BRIDGE", Voyage 505A, and M/V "MSC REGINA", Voyage 504A, from Chiwan, China, to New York, as described more fully in Mediterranean Shipping bill of lading MSCUCN917053 dated on or about February 8, 2005, and Dynamic Network Container Line Ltd. bill of lading SZF051607NYC dated on or about February 15, 2005, and others, with on-carriage by road to Maspeth, New York, by truck operated by United Way International, Inc. and/or United Logistic Inc.. (Mediterranean Ref.: MSC-5517, United Way International, Inc. Ref.: 125461, Fortune Pace Ref.: FPZ41113, Invoice No.; 23399)

7. The aforesaid loss and damage was caused by defendants' reckless failure to properly load, stow, lash, carry, care for and deliver the subject cargo and the unseaworthiness of the carrying vessels and container.

8. As a result of the aforesaid, defendants are liable to plaintiff as common carriers, bailees and/or warehousemen for hire for damages in the amount of \$7,500.00.

9. Plaintiff sues herein on its own behalf and as agent and trustee for and on behalf of anyone else who may now have or hereafter acquire an interest in this action.

WHEREFORE, plaintiff demand judgment against the captioned defendants jointly and severally in the amount of \$7,500.00 in addition to interest at the rate of 9% per annum and the costs of this action and requests that the Court issue its process against the aforesaid vessels in rem.

Dated: New York, New York
March 17, 2006

LAW OFFICES,
DAVID L. MAZAROLI

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